IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1489 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARIJAN CHHAGANBHAI GALABHAI

Versus

MAMLATDAR HALVAD

Appearance:

1. Special Civil Application No. 1489 of 2003

MR ASHISH M DAGLI for Petitioner No. 1-11

MR M R MENGDEY AGP for Respondent No. 1-2

NOTICE SERVED BY DS for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/10/2004

ORAL JUDGEMENT

1. The petitioners herein have preferred this

petition in order to quash and set aside the order dated 08/01/2003 passed by the learned Jt.District and Fast Track Court Judge, Dhangadhra, in Misc.Civil Appeal No.65 of 1998 and to confirm the order dated 20/08/1998 passed by the learned Civil Judge (S.D.), Dhangadhra, in Regular Civil Suit No.53 of 1997 in order below exh.7..

2. While issuing Notice on 17/12/2003, this Court had directed the parties to maintain status quo as on that day.

3. Initially, the trial Court had granted ex parte ad-interim relief which was later on confirmed by order dated 20/08/1998. A copy of the said order exh.5 application is annexed at Annexure `A' to the petition. Looking to the facts and circumstances of the case, it would be appropriate to direct both the parties to maintain status quo, as directed by the trial Court.

4. In the meantime, since the suit is of the year 1998, it is directed that the trial Court shall expedite the hearing of the said suit and shall dispose it of, as expeditiously as possible, and preferably within a period of one year from the date of receipt of writ of this order. Parties are directed to maintain status quo till the disposal of the said suit.

5. However, it is made clear that while deciding the above suit, the trial Court shall not be influenced by the earlier order of the appellate Court and it shall decide the issue in accordance with law. With the above directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(K. S. Jhaveri, J.)

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